

ORDINANCE NO. 08-26

ORDINANCE OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA AMENDING CHAPTER 94 ENTITLED "WATER AND SEWERS", ARTICLE II. WATER, BY ADDING A NEW SECTION, HIALEAH CODE § 94-54 ENTITLED "ADOPTION OF WATER USE EFFICIENCY STANDARDS MANUAL" TO REQUIRE COMPLIANCE WITH PROVISIONS OF A WATER USE EFFICIENCY STANDARDS MANUAL PUBLISHED BY MIAMI-DADE COUNTY FOR NEW RESIDENTIAL, COMMERCIAL AND INDUSTRIAL DEVELOPMENTS TO ACHIEVE MAXIMUM WATER SAVINGS AND AMENDING ARTICLE IV. PROCEDURES FOR WATER AND SEWER SERVICES, BY ADDING NEW SECTION, HIALEAH CODE §§ 94-116 ENTITLED "SUBMETERING" TO REQUIRE INDIVIDUAL SUBMETERS FOR WATER SERVICE FOR EACH INDIVIDUAL DWELLING UNIT FOR MULTIPLE-FAMILY RESIDENTIAL DEVELOPMENTS; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING PENALTIES FOR VIOLATION HEREOF; PROVIDING FOR INCLUSION IN CODE; PROVIDING FOR A SEVERABILITY CLAUSE AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the general purpose and intent of this ordinance is to provide proper zoning regulations in the best interest of the health, safety, welfare and aesthetics of the community and the proper administration of its government; and

WHEREAS, the specific purpose of this ordinance is to adopt the Miami-Dade County Water Use Efficiency Standards Manual for new residential, commercial and industrial developments, commencing on July 1, 2008 and to require individual water meters for new multiple-family residential developments as of July 1, 2008.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA, THAT:

Section 1: Chapter 94 entitled "Water and Sewers" of the Code of Ordinances of the

City of Hialeah, Florida is hereby amended to read as follows:

Chapter 94

WATER AND SEWERS

* * *

ARTICLE II. WATER

* * *

Sec. 94-54. Adoption of water use efficiency standards manual.

The city hereby adopts by reference the latest edition of the county water use efficiency standards manual, as amended from time to time. As of July 1, 2008, each applicant for water service to a new residential, commercial or industrial development shall comply with the water use efficiency standards approved by the county as provided in the water use efficiency standards manual. Each application shall identify and describe the water use efficiency standards incorporated in the new development.

* * *

ARTICLE IV. PROCEDURES FOR WATER AND SEWER SERVICES

* * *

DIVISION 2. METERING AND REMETERING

* * *

Sec. 94-116. Submetering.

As of July 1, 2008, the city shall require individual submeters for water service for each individual dwelling unit for multiple-family residential developments.

* * *

Section 2: Repeal of Ordinances in Conflict.

All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 3: Penalties.

Every person violating any provision of the Code or any ordinance, rule or regulation adopted or issued in pursuance thereof shall be punished by a civil penalty not to exceed \$500.00 within the discretion of the court or administrative tribunal having jurisdiction. Each act of violation and each day upon which any such violation shall occur shall constitute a separate offense. In addition to the penalty prescribed above, the City may pursue other remedies such as abatement of nuisance, injunctive relief, administrative adjudication and revocation of licenses or permits.

Section 4: Inclusion in Code.

The provisions of this ordinance shall be included and incorporated in the Code of Ordinances of the City of Hialeah, as an addition or amendment thereto, and the sections of this ordinance shall be renumbered to conform to the uniform numbering system of the Code.

Section 5: Severability Clause.

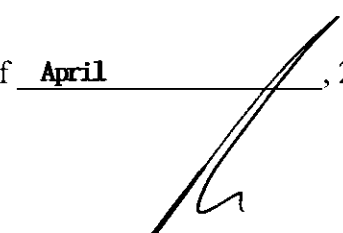
If any phrase, clause, sentence, paragraph or section of this ordinance shall be declared invalid or unconstitutional by the judgment or decree of a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this ordinance.

Section 6: Effective Date.

This ordinance shall become effective when passed by the City Council and signed by the Mayor or at the next regularly scheduled City Council meeting, if the Mayor's signature is withheld or if the City Council overrides the Mayor's veto. The provisions of this ordinance shall be implemented on July 1, 2008.

PASSED AND ADOPTED this 8th day of April, 2008.

THE FOREGOING ORDINANCE
OF THE CITY OF HIALEAH WAS
PUBLISHED IN ACCORDANCE
WITH THE PROVISIONS OF
FLORIDA STATUTE 166.041
PRIOR TO FINAL READING.



Esteban Bovo
Council President

Attest:

Approved on this 10 day of August, 2008.



Rafael E. Granado, City Clerk



Mayor Julio Robaina

Approved as to form and legal sufficiency:



William M. Grodnick, City Attorney

~~Strikethrough~~ indicates deletion. Underline indicates addition.

S:\WMG\LEGISLAT\ORD\Ordinance 2008\ch94amndwateruseefficiencystandardsmanual&submetering.docx

Ordinance was adopted by a unanimous vote with Councilmembers Bovo, Caragol, Casals-Muñoz, Garcia-Martinez, Gonzalez, Hernandez, and Yedra voting "Yes".